



Sub. S.B. 317*
123rd General Assembly
(As Reported by S. Judiciary)

Sen. Latta

BILL SUMMARY

- Prohibits a person from knowingly filing a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows the allegation to be false.

CONTENT AND OPERATION

False complaint alleging peace officer misconduct--prohibition and penalty

The bill enacts a prohibition that prohibits a person from knowingly filing a complaint against a "peace officer" that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false. A violation of the prohibition is the offense of "making a false allegation of peace officer misconduct" and is a misdemeanor of the first degree. (R.C. 2921.15(B) and (C).)

Definition of "peace officer"

As used in the bill, "peace officer" has the same meaning as in existing R.C. 2935.01 (R.C. 2921.15(A)). Under existing R.C. 2935.01, "peace officer" includes, except as provided in R.C. 2935.081: (1) a sheriff; deputy sheriff, (2) marshal; a deputy marshal, (3) a member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract pursuant to R.C. 737.04, (4) a member of a police force employed by a metropolitan housing authority under R.C. 3735.31(D), (5) a member of a police force employed

* This analysis was prepared before the report of the Senate Judiciary Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

by a regional transit authority under R.C. 306.05(Y), (6) a state university law enforcement officer appointed under R.C. 3345.04, (7) an enforcement agent of the Department of Public Safety designated under R.C. 5502.14, (8) an employee of the Department of Natural Resources who is a natural resources law enforcement staff officer designated pursuant to R.C. 1501.013, a forest officer designated pursuant to R.C. 1503.29, a preserve officer designated pursuant to R.C. 1517.10, a wildlife officer designated pursuant to R.C. 1531.13, a park officer designated pursuant to R.C. 1541.10, or a state watercraft officer designated pursuant to R.C. 1547.521, (9) an individual designated to perform law enforcement duties under R.C. 511.232, 1545.13, or 6101.75, (10) an Ohio Veterans' Home police officer appointed under R.C. 5907.02, (11) a special police officer employed by a port authority under R.C. 4582.04 or 4582.28, (12) a police constable of any township, (13) a police officer of a township or joint township police district, and (14) for the purpose of arrests within those areas, and for the purposes of R.C. Chapter 5503., and the filing of and service of process relating to those offenses witnessed or investigated by them, includes the Superintendent and troopers of the State Highway Patrol.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-13-00	p. 1965
Reported, S. Judiciary	---	---

S0317-RS.123/jc